

## Friends of Cherokee Marsh

Friends of Cherokee Marsh, Inc.  
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TO: City of Madison Common Council  
FROM: Friends of Cherokee Marsh, Inc.  
DATE: 7 AUGUST 2007  
SUBJECT: CPI Burning Wood Way Planned Unit Development District (PUD)

The Friends appreciate this opportunity to comment on the proposed Burning Wood Way development.

Apart from the six-unit proposal before the Council tonight, we hope our remarks will enhance the approval process and outcomes for the remaining 700-plus dwelling units that Cherokee Park Inc. is planning to build near Cherokee Marsh under the guidelines of the Special Area Plan.

If there is any location in the City where the most careful public consideration of development is needed, that location is the lands surrounding Cherokee Marsh. The proposed Burning Wood Way development is on a sensitive site, wedged between the Yahara River on the west and wetland areas to the east and north. It is near valuable natural resources, a City conservation park and a State Natural Area. Significant public funds have been invested in environmental restoration and protection of these lands.

We urge careful consideration of all aspects of this proposed development.

### FRIENDS OF CHEOKEE MARSH IMMEDIATE CONCERNS

The Friends continue to have specific concerns about the plan as proposed.

1) The Friends haven't been able to review the revised stormwater management plan for the development before the Council meeting, so we are unable to comment on that plan. Before voting to approve the development tonight, the Council needs confirmation from the City Parks and Engineering Departments that the proposed development's revised stormwater management plan adequately protects Cherokee Marsh.

2) CPI has submitted only one viewshed analysis for the proposed development, therefore the Friends haven't been able to comment on the visual impact on the City's conservation park to the north. Before approving the revised plan, the Council needs confirmation

from Parks staff that the proposed site and building designs preserve the viewshed from both the river and the other areas of the Conservation Park.

3) Before approving this plan tonight, the Council needs to determine if the City will be responsible for maintaining the proposed stormwater detention basin, rain gardens, and native plantings. If not, the Council should obtain confirmation that the condo association for the proposed duplexes will maintain the detention pond, rain gardens, and buffers within this 3.5 acre area once they are established. [See attached excerpts from Cherokee Special Area Plan.]

## IMPROVING THE PROCESS

The Friends learned by chance that the Urban Design Commission was reviewing the Burning Wood Way site plan only after the Commission had met twice to review the plan. Most residential neighbors only learned about the development shortly before the Plan Commission Hearings for this proposal. Early in the process, we learned that the City and the developer had been meeting for over a year even before the first public hearings on the Special Area Plan. What can be learned from these past failures at serious public input?

We would like the Common Council to ensure that the City and the developer notify immediate neighbors, Neighborhood Associations and Friends groups in a timely fashion before irreversible planning decisions and verbal agreements are made.

We are pleased that the Cherokee Park, Inc. developer and alder Michael Schumacher have promised to include the Friends of Cherokee Marsh as a neighborhood association for the Cherokee proposals, and thus to be notified when developments adjacent to the marsh are under consideration in the future.

## IN CONCLUSION

We are grateful for this opportunity to express our concerns about the plan. We encourage the Common Council to improve efforts to hear and respect the concerns of the Friends of Cherokee Marsh and the neighborhood residents.

## REFERENCES

Cherokee Special Area Plan  
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Northport-Warner Park Neighborhood Plan-1992  
The City of Madison Department of Planning and Development and the Community Development Block Grant Commission prepared the Northport-Warner Park Neighborhood Plan. The recommendations in this Plan are quite dated, however, some

general recommendations do pertain to lands within the Cherokee Special Area Plan study area.

The Plan identifies the Hornung Woods sub-area and the site currently developed with the Cherokee Gardens and Townhomes as “Development Target Areas”. [FOCM NOTE: it also targets Hornung Woods, now the western-most 20 acres of SubArea 2 in the Cherokee Special Area Plan, for Park/Open Space]. The term “Development Target Areas” is not defined in the text of the Plan; however, it seems to suggest an area with “development opportunities.” The Plan includes a request that the Department of Planning and Development’s Planning Unit develop neighborhood plans for the area bounded by Governor Road and Tennyson Lane to the south; Soo line rail corridor on the west; Wheeler Road and County CV on the north; and Sherman Avenue on the west. Neighborhood residents preferred single-family housing, with duplex housing on main arterials.

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#### Stormwater Management

Developers will be required to provide detailed engineering and stormwater management plans as part of future preliminary plat and final plat submittals. This detail usually occurs after initial approval of a special area plan.

The City Engineering Department will review the Cherokee Park, Inc. stormwater management plans in conjunction with the proposed plat and grading plan to ensure that the proposed development meets design standards and stormwater management requirements as mandated in Chapter 37 “Erosion and Stormwater Runoff Control” of the Madison General Ordinances. This review includes all Wisconsin DNR stormwater management and erosion control requirements, in accordance with Wisconsin Administrative Code NR 151, and all Dane County stormwater requirements and standards. The development may require separate WISDNR permits that Cherokee Park, Inc. would submit directly to the WISDNR for review and approval.

Larger stormwater facilities, such as detention basins, will be dedicated to the City and maintained by the City. The smaller basins and infiltration facilities will be owned and maintained by the homeowners association, according to procedures that will be reviewed and approved by the City. Whenever private maintenance is to be provided, a deed restriction is recorded against the responsible lot(s) to guarantee maintenance and to establish the provisions if there is non-compliance.